-REMARKS-

The claim rejections indicated in the Examiner's action are as follows:

Claims	§112(2)	§1.75(c)	§102(b)	Status/References
28-54	X			One cannot determine whether a method or an apparatus is being claimed
29-34, 36, 38, 42, 43, 48		X		Improper dependent form
28-36, 39-53			X	Anticipated by Beltran (US 6,065,752)
37, 38, 54			X	Anticipated by Porto (US 6,520,503)

Throughout the claims, the expression "system" was replaced by "apparatus". This is believed to overcome the Examiner's rejection under 35 U.S.C 112(2).

Claims 30-34 were canceled. Claims 29, 36, 38, 42, 43 and 48 were amended. Additionally, claims 40, 41, 44-46 were also amended. None of these amendments introduce new matter. They are simply a rewording of limitations present in the original claims and in the description. These amendments are aimed at placing the claims in proper dependent form to further limit the subject matter of a previous claim. The amendments carried out ensure that the limitations are recited in terms of structure by naming the element with a comprehensive name related to its structure which is further limited by the dependent claim and giving the functionality accomplished by the limitation in the dependent claim. These amendments are believed to overcome the Examiner's objection under 37 CFR 1.75(c).

Claims 28 and 37 were amended to include the limitation that the number n of cards chosen in the gaming bet is at least one and to clarify the structure of the apparatus, namely the card identifier and number identifier which was introduced separately from the bet recorder and the dealer console for claim 28 which was introduced separately from the payout calculator to highlight the internal structure of the apparatus. This

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does not introduce any new matter and is clearly supported by the specification as filed.

<u>Claims 28-36 and 39-53 were rejected under §102(b) as being anticipated by Beltran (US 6,065,752).</u>

For anticipation under 35 U.S.C. § 102, the reference "must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." (MPEP §706.02). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." <u>Verdegaal Bros. v. Union Oil Co. of California</u>, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 28 is for an apparatus for playing a casino game. The apparatus comprises a betting cards display for displaying cards from a deck of playing cards as betting cards, wherein the playing cards have at least one of an integer value, a face value, a suit, a color and a parity; at least one card identifier for identifying a choice by the player of a number n of the betting cards for each gaming bet, the number n being at least one; a bet recorder for recording each bet from a player, wherein the gaming bet includes the choice identified by the card identifier; a random card selector for drawing at random from the deck of playing cards a payout-determining card, wherein the payout determining card is any one card of the deck of playing cards; a dealer console receiving and comparing an identification of the payout-determining card from the random card selector and an identification of the n betting cards for the player and for determining an outcome of the comparison to be one of a match and not a match for each bet; a payout calculator for calculating a payout for the player for each bet, the payout amounting to 48/n when the outcome is a match, and the payout amounting to zero when the outcome is not a match. Claims 29 to 36 and 39 to 53 all depend from claim 28.
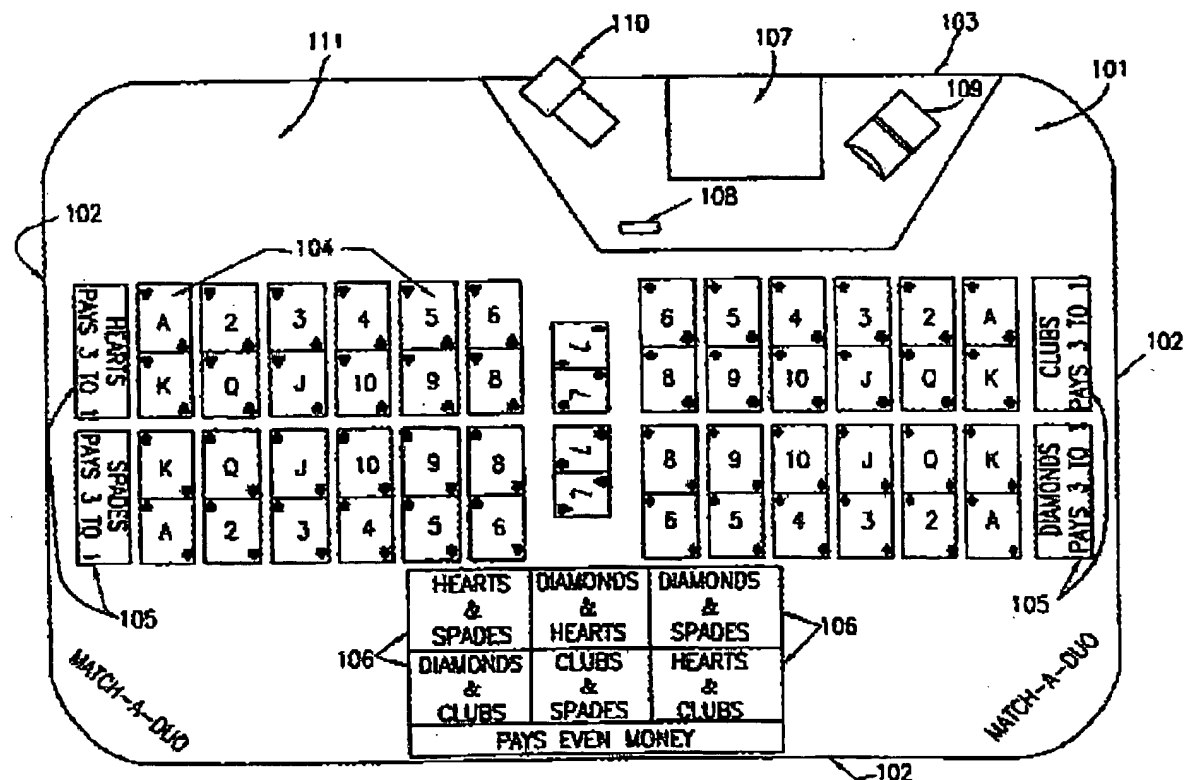
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Beltran is for a playing method for a wagering card game with progressive jackpot which uses a gaming table printed with two-card combinations. Players bet which of the duos (also called "card combinations") will be first to be matched by the cards drawn by the dealer. Players sit around 3 sides (102) of a gaming table (101) printed with 26 2-card combinations (104) and areas (105, 106) for various wagering combinations. The players bet which of the card combinations will be matched by successive cards dealt by the dealer from the dealing shoe (109). The dealer position (103) has an area for the dealt cards (107) and a slot (108) for losing bets.

The drawing below depicts the plan view of the gaming table of Beltran. Gaming table 101, Sides of table for players 102, Dealer side of table 103, Card combinations for betting 104, Betting positions 105, 106, Area for dealing cards 107, Slot for losing jackpot bets 108, Dealing shoe 109.

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Beltran does not have at least one card identifier for identifying a choice by the player of a number n of the betting cards for each gaming bet, the number n being at least one. Beltran has a "duo identifier" or a "combination of cards identifier" for identifying a duo of cards on which to place a bet. Indeed, in Beltran, players place markers on duos of cards and do not identify each specific card on which they place a bet, they must respect the duos pre-identified on the layout and bet on the whole duo and not on individual cards. The gaming bet of Beltran does not include a choice by the player of a number n of the betting cards for each gaming bet, n being at least one. The player must choose a duo of cards, each duo having two chosen cards. The number n of betting cards in each bet by the player is therefore a factor of 2, with n being a minimum of 2. The purpose of Beltran's game is to match a duo, a duo being necessarily made of two cards. Therefore, Beltran teaches a duo identifier, not a card identifier and the duo identifier further has a different structure from the card identifier of Applicants' invention.

Applicants' invention has a bet recorder for recording each bet from a player, wherein the gaming bet includes the choice identified by the card identifier. Beltran does not have a bet recorder. Beltran has duo identifiers placed on the layout by each player. These duo identifiers can be color coded to identify to which player they belong. However, Beltran does not have a bet recorder that records each bet from the player for future use, the record including the choice of cards identified by the card identifier. The players placing wagers on duos on the wagering board, block 202 of the method cannot be considered to be a bet recorder since it is simply the action of the players placing their duo identifiers on a part of the display of duos on the layout of the game. It clearly does not record anything and is simply a physical placement of the duo identifiers on the layout. Beltran cannot record the choice of cards since it does not have card identifiers identifying the choice of cards. Beltran clearly does not have a bet recorder.

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Beltran does not have a random card selector for drawing at random from the deck of playing cards a payout-determining card, wherein the payout determining card is any one card of the deck of playing cards. Beltran has a random duo selector for selecting TWO cards from the deck of playing cards and creating a duo. Each card separately cannot be used in Beltran's game and does not constitute a payout determining card since it does not determine a payout. Only the combination of two cards creates a payout determining duo in Beltran. In Beltran, two cards are required to be first matched as a pre-identified duo and then compared to the player's bet. If the first two dealt card do not form a pre-identified duo, a further card is drawn, repeatedly, until a duo a formed with one of the previously drawn cards. When a duo is finally drawn, the player's bet is then compared to the drawn duo and a payout can be calculated. Therefore, the random component of Beltran has not completed its purpose until a combination of two cards corresponding to one of the pre-identified duos is drawn, thereby making it a "random DUO selector" which obtains a payout-determining DUO of cards and not a random card selector which obtains a single payout-determining card. In Applicants' invention, each payout-determining card drawn is compared to the at least one betting card chosen by the player. It is possible to have a one-to-one match between the payout-determining card and the betting card. This is clearly impossible in Beltran since it goes against the purpose of the game which is to match a duo, a duo being necessarily made of two cards. Consequently, Beltran clearly does not have a random card selector but rather has a random duo selector.

Applicants' invention has a dealer console receiving and comparing an identification of the payout-determining card from the random card selector and an identification of the n betting cards for the player and for determining an outcome of the comparison to be one of a match and not a match for each bet. Beltran does not have such a dealer console. Beltran does not have a unit which receives and compares the payout-determining CARD to the n betting cards chosen and identifies a match between the two. Beltran compares duos of cards manually, by the dealer's intervention. There is

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no dealer console which receives signals from other components of the apparatus to determine the match.

Finally, it should be noted that Beltran does not have a payout calculator. Beltran has a step of removing losing bets and paying winning bets 208 which is done manually by the dealer. Beltran does not show structure for that step and does not teach anything resembling a payout calculator receiving an outcome of the comparison between the payout-determining card and the n betting cards chosen to determine a payout.

Applicants respectfully submit that Beltran does not anticipate Claim 28 because it does not teach every aspect of the claimed invention either explicitly or impliedly. Withdrawal of the rejection to Claim 28 is respectively requested. Claims 28-36 and 39-53 are dependent on claim 28 and thus are also novel and non-obvious.

<u>Claims 37, 38, 54 were rejected under §102(b) as being anticipated by Porto (US 6,520,503).</u>

For anticipation under 35 U.S.C. § 102, the reference "must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." (MPEP §706.02). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." <u>Verdegaal Bros. v. Union Oil Co. of California</u>, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 37 is for an apparatus for playing a casino roulette game. The apparatus comprises a betting numbers display for displaying numbers from a set of roulette numbers, having at least roulette numbers 1 to 36 and 0, as betting numbers; at least one number identifier for identifying a choice by the player of a series n of the betting numbers for each bet, the series n being at least one; a betting numbers recorder for recording each bet from a player, wherein the gaming bet includes the choice identified

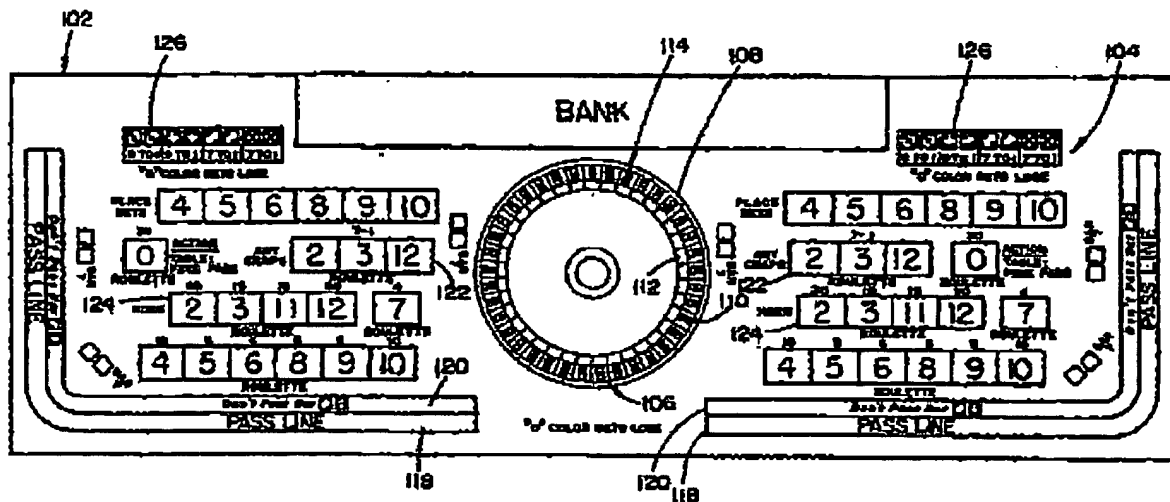Ser. No. 10/761,321   Agent's Ref. 12296-17US-1

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by the at least one number identifier; at least one securing number identifier for identifying a choice by the player of a series s of the betting numbers as bet securing numbers for each of at least one securing bet, wherein the bet securing numbers allow the player to modify a casino house income ratio; a bet securing numbers recorder for recording a securing bet from the player, wherein the securing bet includes the choice identified by the securing number identifier; a random number selector for drawing, at random, from the set of roulette numbers, a payout-determining number, wherein the payout determining number is any one of the roulette numbers; a payout calculator for calculating a payout for the player using the payout determining number for each gaming bet, the payout amounting to 36/n when the payout-determining number matches one of the n betting numbers chosen, and the payout amounting to zero when the payout-determining number does not match any of the betting numbers chosen. Claims 38 and 54 depend on claim 37.

Porto is for a combination craps and roulette game for a casino which has one wheel shared by both. The game includes a playing surface (102) having indicia (104) for displaying bets and a wheel (106) with many slots corresponding to a face of at least one die. The wheel can retain and direct a rolled ball such that comes to rest in one of the slots. The wheel is independent of the game surface. The mini roulette game that is provided makes use of the wheel. The combination game minimizes the required amount of casino floor space needed.

The drawing below depicts the layout of the game surface and wheel of the combination craps and roulette game of Porto, including the game surface 102, the indicia 104 and wheel 106.

The betting numbers display of Applicants' invention is required to have at least roulette numbers 1 to 36 and 0, as betting numbers. This is a structural limitation of the betting numbers display. The display of Porto does not display roulette numbers 1 to 36 and 0 as betting numbers. It shows numbers going to a maximum of 12 and dice combinations, a total of which never exceeding 12. Clearly, Porto's display is different from Applicants' invention since it does not have roulette numbers 13 to 36 and repeats some of the numbers between 0 and 12.

Both Porto and Applicants' invention have at least one number identifier for identifying a choice by the player of a series n of the betting numbers for each bet, the series n being at least one. However, Applicants' invention further has a betting numbers recorder for recording each bet from a player, wherein the gaming bet includes the choice identified by the at least one number identifier. Porto does not have such a bet recorder. Examiner has argued that the indicia 104 is a betting number recorder. This is believed to be erroneous by Applicants. Indeed, the indicia 104 is simply the area on which bet identifiers can be placed on the layout. The indicia 104 does not record a bet for future use by the apparatus but simply identifies a geographical location on the layout on which the bet identifier can be placed.

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Applicants' invention has at least one securing number identifier and a bet securing numbers recorder for recording a securing bet from the player, wherein the player chooses a series s of the betting numbers as bet securing numbers, wherein the bet securing numbers allow the player to modify a casino house income ratio. As detailed in the specification as filed, when the «bet securing» number identified by a bet made by a player matches the drawn payout-determining number, all bets made by the player identifying a series n of betting numbers, except the bet identifying a «bet securing» number made by the same player on the game, are returned to the player giving the player the opportunity to take advantage of a lower casino house income ratio for his or her bet amounts identifying a series n of betting numbers. The player chooses how many and which numbers to identify as bet securing numbers using the

Porto does not provide for bet securing numbers to be separately identified from betting numbers in any way and therefore that the securing number identifier of Applicants' invention is clearly not taught or suggested by Porto. The Examiner has identified the Any Craps bet 122 to be a bet securing number recorder. This is believed to be erroneous by Applicants. Indeed, the Any Craps bet 122 is used with the typical craps portion of the game, with the prior art rules. In the roulette portion of the game, it is clearly indicated at page 3, paragraph 0041 that the "Any Craps" bet is also a roulette bet (one bet will cover the three numbers 2, 3 and 12 and will receive odds of 7 to 1). Clearly, this is completely different from Applicants' bet securing numbers and bet securing number recorder which record a securing bet for the player where the securing numbers allow the player to modify a casino house income ratio. In Porto's apparatus, the "Any Craps" bet does not modify the casino house income ratio since it is always available to be chosen as one bet for the gaming bet by the player.

The set of roulette numbers is Porto is clearly not that of Applicants' invention, as detailed above, therefore, the random number selector for drawing, at random, from the set of roulette numbers, a payout-determining number is necessarily different.

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Indeed, the set of roulette numbers from which the payout-determining number is the same as that of the display, namely roulette numbers 1 to 36 and 0 which Porto does not teach.

Porto does not have a payout calculator for calculating a payout for the player for bet, the payout amounting to 36/n when the outcome is a match, and the payout amounting to zero when the outcome is not a match. Even if the dealer is considered to be the payout calculator, Porto does not teach that the payout be calculated to be 36/n. This is a structural limitation of Applicants' invention since a calculator will only be able to calculate if parameters are given to it. In this case, the parameter is that it receives an indication of n and computes 36/n. The payout calculator must be understood to have the structural limitation that its calculation is according to the formula 36/n. Porto does not have a payout table where the payout is calculated as 36 divided by the series n of betting numbers identified.

Applicants respectfully submit that Porto does not anticipate Claim 37 because it does not teach every aspect of the claimed invention either explicitly or impliedly. Withdrawal of the rejection to Claim 37 is respectively requested. Claims 38 and 54 are dependent on claim 37 and thus are also novel and non-obvious.

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In view of the foregoing, reconsideration of the rejections and objections of claims 28 to 54 is respectfully requested. It is believed that claims 28-54 are allowable over the prior art, and a Notice of Allowance is earnestly solicited.

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